

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.39815 of 2013 (O&M)
Date of decision : October 03, 2017**

Balwinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Randeep Singh Rana, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Parneet Singh Pandher, Advocate for
Mr. P.S. Khurana, Advocate for respondent No.4.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Prayer in the present petition is for issuance of direction to protect the life and liberty of the petitioner from respondent Nos.4 to 6. Further prayer is made for directing the police to present the challan in case FIR No.243, dated 11.11.2013, under Sections 452, 323, 324, 506, 427, 148 and 149 IPC, registered at Police Station Khanna, District Ludhiana.

Learned counsel for the petitioner claims that respondent No.4 is the President of Municipal Committee, Khanna. Earlier, he was with the Akali Dal and now, he has shifted to Ruling Congress party. Reference has also been made to two FIRs, one under Section 302 IPC and second is for recovery of 10 grams of intoxicant powder, registered against the brother of the petitioner as revenge for the filing the present petition.

The petitioner is at liberty to file comprehensive petition, challenging the aforesaid FIRs and seek compensation and transfer of the said cases to some other District as pressed today. This court will not go through the same as these are not the subject matters of the present case.

Learned counsel for the petitioner does not deny that in case pertaining to FIR No.243, dated 11.11.2013, challan has been presented and the trial is going on. Therefore, so far as the prayer made in the present petition regarding the presentation of the challan is concerned, that has been met. The only question is left regarding the protection of life and liberty of the petitioner. It is the duty of the State to protect the life and liberty of every citizen.

Keeping in view the fact that the petitioner is facing threat from the person, who is President of Municipal Committee, Khanna and belongs to ruling Congress party, a direction is issued to the Sr. Superintendent of Police, Khanna, to ensure that the petitioner shall not be summoned/called to the police station except by way of service of notice under Section 160 Cr.P.C. and that the petitioner will not be physically harmed or harassed by private respondent Nos.4 to 6.

It is further directed that if any such incident takes place, the petitioner shall approach the Sr. Superintendent of Police, Khanna, who shall take appropriate measures in the matter.

Disposed of.

(KULDIP SINGH)
JUDGE

October 03, 2017

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No